

Docket No.

W/C 367552

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A Vertical Vortex or Laminar Flow Interactive BioMedia Water Treatment Device

the specification of which

(check one)

is attached hereto.

was filed on _____ as United States Application No. or PCT International Application Number _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

on file (Number)	on file (Country)	06/13/97 (Day/Month/Year Filed)	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>
_____	_____	_____	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/040,690

(Application Serial No.)

3/13/97

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

60/040,690

(Application Serial No.)

3/13/97

(Filing Date)

Pending

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Terry James Cullinan	3/12/98 Date
Sole or first inventor's signature	<i>Terry James Cullinan</i>	
Residence	2201 South 3rd West #8, Missoula, MT 59806	
Citizenship	U.S. Citizen	
Post Office Address	P.O. Box 2725, Missoula, MT 59806	

Full name of second inventor, if any	Max Von Weiss	3/12/98 Date
Second inventor's signature		
Residence	407 Skidoo Bay, Polson, MT 59860	
Citizenship	U.S. Citizen	
Post Office Address	N/A	

Full name of third inventor, if any		
Third inventor's signature		
Residence		
Citizenship		
Post Office Address		

Full name of fourth inventor, if any		
Fourth inventor's signature		
Residence		
Citizenship		
Post Office Address		

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR				Docket No. W/C 367552
Serial No.	Filing Date	Patent No.	Issue Date	
60/040,690	3/13/97	Pending		
Applicant/ Patentee:	Terry James Cullinan Max Von Weiss			
Invention:	A Vertical Vortex or Laminar Flow Interactive BioMedia Water Treatment Device			
<p>As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:</p> <p><input type="checkbox"/> the specification to be filed herewith. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.</p> <p>I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p> <p>Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:</p> <p><input type="checkbox"/> No such person, concern or organization exists. <input checked="" type="checkbox"/> Each such person, concern or organization is listed below.</p> <p>*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)</p>				
FULL NAME	Terry James Cullinan			
ADDRESS	P.O. Box 2725, Missoula, MT 59806			
	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization	
FULL NAME	Max Von Weiss			
ADDRESS	407 Skidoo Bay, Polson, MT 59860			
	<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization	
FULL NAME	Bio-Septic Systems LLC			
ADDRESS	P.O. Box 2725, Missoula, MT 59806			
	<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Small Business Concern (owned by Applicants)	<input type="checkbox"/> Nonprofit Organization	
FULL NAME				
ADDRESS				
	<input type="checkbox"/> Individual	<input type="checkbox"/> Small Business Concern	<input type="checkbox"/> Nonprofit Organization	

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Terry James Cullinan

SIGNATURE OF INVENTOR Terry James Cullinan

DATE: 3/12/98

NAME OF INVENTOR Max Von Weiss

SIGNATURE OF INVENTOR _____

DATE: 3/12/98

NAME OF INVENTOR Bio-Septics Systems LLC

SIGNATURE OF INVENTOR Terry J Cullinan, member

DATE: 3/12/98

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

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DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

1 Timothy D. Geiszler
2 GEISZLER & NEWCOMER, PLLP
3 Terrace West, Suite K
4 Missoula, Montana 59802
5 406/728-4950
6 Attorneys for Plaintiff

7 John S. Hanson

8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 TERRY J. CULLINAN,

Dept. No. DEPT. No. 2
Cause No. 85259/2

10 Plaintiff,

11 vs.

12 MAX WEISS,

13 Defendant.

14 SUMMONS

15 THE STATE OF MONTANA TO THE ABOVE NAMED DEFENDANT:

16 YOU ARE HEREBY SUMMONED to answer the Complaint in this
17 action which is filed in the office of the clerk of this court, a
18 copy of which is now served upon you, and to file your answer and
19 serve a copy thereof upon the Plaintiff's attorney within 20 days
20 after the service of this Summons, exclusive of the day of
21 service; and in case of your failure to appear or answer,
22 judgment will be taken against you by default for the relief
23 demanded in the Complaint.

24 WITNESS my hand and the seal of said court, this 8th day of
25 August 1997.

KATHLEEN D. BREUER, Clerk of Court

(Court Seal)

24 By: J. Carlson

25 Deputy

26 7015P2

27 28 **SUMMONS**

CERTIFICATE OF MAILING

I hereby certify [REDACTED] on March 12, 1998, I placed into [REDACTED] mails with Federal Express, Co., duplicate originals of the following:

**New Utility Patent Application Transmittal
Declaration of Patent Application
Verified Statement Claiming Small Entity Status; and,
Supporting Documents**

One original set of those documents with supporting attachment, including this Certificate of Mailing constitute 30 pages.

DATED March 12, 1998.

Terry J. Cullinan

SUBSCRIBED AND SWORN TO before me on March 12, 1998 by Terry J. Cullinan.

Notary Public for the State of Montana
[My comr .ssion expires: July 8,

FedEx USA Airbill		5289109545	001722589 2	FedEx Billing Co.								
1 From Date <u>3/12/98</u> Sender's FedEx Account Number <u>1031-0567-6</u>		4a Express Package Service Packages under 150 lbs. <input checked="" type="checkbox"/> FedEx Priority Overnight <input type="checkbox"/> FedEx Standard Overnight <small>(Next business morning) (Next business afternoon)</small>										
Sender's Name <u>Timothy D. Geiszler</u> Phone <u>406 728-4950</u> Company <u>GEISZLER & NEWCOMER PLLP</u> Address <u>619 SW HIGGINS STE K</u> <u>MISSOULA</u> MT <u>59803</u> City <u>MISSOULA</u> State <u>MT</u> Zip <u>59803</u>		<small>Delivery commutes later in some areas</small> <input type="checkbox"/> NEW FedEx First Overnight <small>(Earliest next business morning delivery to select locations) (Higher rates apply)</small> <small>* FedEx Letter Rate not available Minimum charge: One pound FedEx 2day air</small>										
2 Your Internal Billing Reference Information <u>Cullinan 7015</u>		4b Express Freight Service Packages over 150 lbs. <input type="checkbox"/> FedEx Overnight Freight <input type="checkbox"/> FedEx 2Day Freight <input type="checkbox"/> FedEx Express Saver Freight <small>(Next business-day service for any distance) (Second business-day service for any distance) (Up to 3 business-day service based upon distance)</small> <small>(Call for delivery schedule. See back for detailed descriptions of freight products.)</small>										
3 To Recipient's Name <u>Assistant Commissioner for Patent Application</u> Phone <u>(703) 308-1202</u> Company <u>Patent and Trademark Office</u> Address <u>2011 S. Clark, Room 1 B03</u> <small>(To "HOLD" at FedEx location, print FedEx address here)</small>		5 Packaging <input type="checkbox"/> FedEx Letter <input type="checkbox"/> FedEx Pak <input type="checkbox"/> FedEx Box <input type="checkbox"/> FedEx Tube <input type="checkbox"/> <small>Declared value limit \$500</small>										
		6 Special Handling Does this shipment contain dangerous goods? <input type="checkbox"/> Yes <small>(See attached Shippers Declaration)</small> <input type="checkbox"/> Yes <small>(Shipper Declaration)</small> <input type="checkbox"/> Dry Ice <small>(Dry ice, 9, UN 1845 III) kg. 904</small> <small>(Dangerous Goods Shipper's Declaration not required)</small>										
		7 Payment Bill <input type="checkbox"/> Sender <input type="checkbox"/> Recipient <input type="checkbox"/> Third Party <input type="checkbox"/> Credit Card <input type="checkbox"/> <small>to: <u>Account no. in section I will be billed</u> (Enter FedEx account no. or Credit Card no. below)</small>										
		<small>Obtain Receipt FedEx Account</small> FedEx Account No. _____ Credit Card No. _____ Exp. Date _____										
		<table border="1"> <thead> <tr> <th>Total Packages</th> <th>Total Weight</th> <th>Total Declared Value*</th> <th>Total Charg</th> </tr> </thead> <tbody> <tr> <td>\$</td> <td>.00</td> <td>\$</td> <td>\$</td> </tr> </tbody> </table>			Total Packages	Total Weight	Total Declared Value*	Total Charg	\$.00	\$	\$
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\$.00	\$	\$									
		<small>* When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY section for further information.</small>										
		8 Release Signature <hr/> <small>Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.</small>										